Federal Operating Permit
Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Perdue Farms, Incorporated
Facility Name:	Perdue Farms, Inc.
Facility Location:	501 A Barnes Road Chesapeake, Virginia
Registration Number:	60277
Permit Number:	TRO60277

September 7, 2004
Effective Date

September 6, 2009
Expiration Date

_____(for)_
Director, Department of Environmental Quality

September 7, 2004
Signature Date

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I. Facility Information

Permittee
Perdue Farms, Inc.
501 A Barnes Road
Chesapeake, Virginia 23324

Responsible Official
Mr. Martin Stewart
Environmental Manager

Facility
Perdue Farms, Inc.
501 A Barnes Road
Chesapeake, Virginia 23324

Contact Person
Mr. John Mulholland
Director of Soya Crush and Refining Operations
757-494-5582

AFS Identification Number: 51-550-00038

Facility Description: SIC Code [2075] – Processing of raw soybeans into soybean oil and meal. There are four distinct procedures at the plant: soybean preparation, soybean oil extraction and soybean meal processing.

Soybean Preparation – Cleaning, drying, cracking, dehulling and flaking of raw soybeans produces hulls and flakes of soybean meat. The emissions from these operations are primarily particulate.

Soybean hull pelletizing – Hulls and screenings from the previous operations are ground to a predetermined consistency and then pelletized. The emissions are particulate.

Soybean oil extraction – extracts soybean oil from the flakes using hexane as a solvent. The results of the extraction process are a soybean oil/hexane mixture and hexane laden flakes. The hexane is recovered for reuse, but losses do occur as fugitive emissions/point source emissions. The primary emissions from the extraction process are VOC/HAP's.

Soybean meal processing – drying, cooling and grinding the spent flakes from the extraction process releases some residual hexane. The resulting soybean flakes are further processed into the meal product. The emissions are primarily particulate.

Additional operations at the plant consist of steam generation. Perdue's coal-fired boiler was recently shutdown for a partial retubing in preparation for the next production year. Other necessary operations include the storage and handling of coal and ash, ash truck loadout, storage of raw soybeans, soybean oil tanks and hull storage. Loading operations include truck and railcar loading of soybean oil, soybean meal, the pelletized hulls and loose hulls and the unloading of some clay and coal.

Applicable Requirements for Title V Renewal

During the five years since the original Title V permit was issued, Perdue has acquired the facility and the PSD permit for the boiler has been modified. Also, the NESHAP for vegetable oil production (Subpart GGGG) has been promulgated and will add several applicable requirements to the Title V renewal permit. During 2003, the dryer/cooler equipment was replaced with a newer configuration unit and a new NSR permit was generated for the facility. Also, the facility has agreed to a plan to comply with the CAM Rule for any emission units that are determined to be subject to the rule. The application for this facility includes a table of calculations of the uncontrolled emissions of particulate and PM10 for the process equipment. Several emission units have major source levels of particulate emissions and are fitted with control equipment. While it is true that the dust generated by soybean processing may be routed back to another processing point, the emission units selected for CAM have substantial emission levels. The CAM Plan for this facility formalizes some procedures that are already in place to correct abnormal levels of visible and/or particulate emissions. The recordkeeping and reporting required by the Rule can be combined with the semi-annual reports that are necessary for all Title V facilities. The CAM provisions have been included in the Facility Wide conditions of this permit at Section VII.

The majority of the plant's emission points are controlled by equipment such as cyclones or dust collectors. A flow diagram of the overall process, a list of insignificant emission units, the significant units and the applicable pollution control equipment can be found in the application.

II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Vent and Stack ID	Emission Unit Description	Size/Rated Capacity*	Applicable Permit Date
Chesapeake Oilseed Plant				
W	S-1	Bean Tank 194; soybean grain handling	125 tons per hour	N/A
V	S-2	Bean Tank 194; soybean grain handling	125 tons per hour	N/A
Z	S-3	Bean Tank 195; soybean grain handling	125 tons per hour	N/A
Y	S-4	Bean Tank 195; soybean grain handling	125 tons per hour	N/A
X	S-5	Bean Tank 195; soybean grain handling	125 tons per hour	N/A
40	S-6	Whole bean surge tank; soybean grain handling	125 tons per hour	N/A
104	S-7	Fluidized bed dryer, soybean grain drying	122 tons per hour	N/A
107A-E	S-9	Primary aspirators (5); soybean cracking, dehulling	120 tons per hour	N/A
111	S-10	Secondary aspirators (4); soybean cracking, dehulling	119 tons per hour	N/A
130	S-6	Coarse hull aspirator, soybean cracking, dehulling	3.0 tons per hour	N/A
132	S-6	Mids hull aspirator, soybean cracking, dehulling	1.5 tons per hour	August 29, 1995
136/43	S-11	Hull grinding and product hull tank; soybean hull grinding and storage	21.3 tons per hour	August 29, 1995
101	S-6	Whole bean scalper; soybean cleaning	125 tons per hour	N/A
102	S-6	Whole bean aspirator; soybean cleaning	123 tons per hour	N/A
116	S-6	Weed seed aspirator; soybean cleaning	1.0 tons per hour	N/A
119	S-6	Pod cyclone; soybean cleaning	1.0 tons per hour	N/A
113A-F/520	S-8	Flakers/discharge drag (A to F); soybean flaking	61 tons per hour	N/A
113H-M/521	S-8	Flakers/discharge drag (H to M); soybean flaking	61 tons per hour	N/A
156	S-13 and S-14	DeSmet dryer/cooler; soybean meat drying and cooling	96 tons per hour	July 9, 2003
50	S-15	Clay tank; additive tank	25 tons per hour	N/A
163/532	S-16	Sifters/grinder feed drag; soybean meal sifting and grinding	121 tons per hour	N/A
164/533	S-16	Meal grinders/discharge drag; soybean meal sifting and grinding	96 tons per hour	N/A
44	S-17	North meal tank; meal storage	95 tons per hour	N/A
48	S-18	South pellet/meal tank; pellet/meal storage	95 tons per hour	N/A

75	S-19	Meal shed; meal loadout	350 tons per hour	N/A
1001	S-16	Meal scale; meal loadout	95 tons per hour	N/A
443	S-20	Pellet, hull and meal railcar loadout	95 tons per hour	N/A
444	S-21	Pellet and meal truck loadout	95 tons per hour	N/A
754	S-22	Production tank blower; hull transfer and storage elevator	21 tons per hour	N/A
758A	S-22	Pellet tank blower; pellet transfer and storage elevator	21 tons per hour	N/A
754	S-27	Production tank blower; soybean hull pelletizing	15 tons per hour	August 29, 1995
175	S-28	Pellet cooler; soybean hull pelletizing	15 tons per hour	August 29, 1995
ST-1/ST-2	S-29	Oil extraction process; grain mill	48 tons per hour	N/A
EA-1	S-33	Extraction processes and solvent recovery; from soybean oil extraction process	70 tons per hour	N/A
AS-1	S-31	Ash silo; ash handling	30 tons per hour	January 13, 2004
ATL-1	S-32	Ash truck loadout; ash handling	60 tons per hour	January 13, 2004
Fuel Burning Equipment				
CFB-1	S-30	Coal-fired boiler; steam generation	106.0 million Btu per hour	January 13, 2004

*The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

Pollution Control Equipment Consists of:

Vent/Stack No.	Control Equipment Description	Manufacturer and Date of Construction	Size/Rated Capacity	Pollutants Controlled
S-6	Whole bean dust collector	Carter Day 144RJ96 (1-30-73)	99% efficient	PM/PM10
S-7	Hot hull cyclones	Carter Day 68HV	95% efficient	PM/PM10
S-8	Flaker aspiration cyclone	Carter Day 56HV	95% efficient	PM/PM10
S-9	Primary dehulling cyclone	Escher Wyss Cyclone Z1-200	95% efficient	PM/PM10
S-10	Secondary dehulling cyclone	Escher Wyss Cyclone Z1-200	95% efficient	PM/PM10
S-11	Ground hull dust collector	Rolfes Model 42-RLP-10	99% efficient	PM/PM10
S-13	Dryer cooler cyclone 1	Kice CKS 132	95% efficient	PM/PM10
S-14	Dryer cooler cyclone 2	Kice CKS 132	95% efficient	PM/PM10
S-15	Clay tank dust collector	Cargill design	99% efficient	PM/PM10
S-16	Meal grinding dust collector	Carter Day 144RJ60	99% efficient	PM/PM10
S-21	Loadout dust collector	Carter Day 74RJ96	99% efficient	PM/PM10
S-22	Hull receiving cyclone dust collector	Carter Day 24RJ60 Elevator	99% efficient	PM/PM10
S-27	Dust collector	Kice HRB 24-10	99% efficient	PM/PM10
S-28	Pellet cooler cyclone	Model 1 HE 39 High Efficiency	99.5% efficient	PM/PM10
S-30	Baghouse	Fuller pulse dust collector 8 zone # 128 Twin Line	99% efficient	PM/PM10
S-31	Baghouse	Flex Kleen 84-CTBC-30	99% efficient	PM/PM10

III. Hull Grinding and Pelletizing Line – (emission unit ID# 132, 136/43, 754 and 175)

A. Limitations

1. **Emission Controls** – Particulate emissions from the pelletizer feed hopper shall be controlled by a bin vent filter. Particulate emissions from the air cooler shall be controlled by a cyclone. The filter and cyclone shall be provided with adequate access for inspection. The filter shall be equipped with a device to continuously measure the differential pressure drop across the fabric filter. The device shall be installed in an accessible location and shall be maintained by the permittee such that it is in proper working order at all times. An annual internal inspection shall be conducted on the cyclone by the permittee to insure structural integrity.
(9 VAC 5-80-110, 9 VAC 5-50-260 and Condition 3 of 8/29/1995 NSR Permit)

2. **Test Ports** – The permitted facility shall be constructed so as to allow for emissions testing upon reasonable notice at any time, using appropriate methods. Test ports shall be provided at the appropriate locations, as necessary.
(9 VAC 5-80-110 and Condition 4 of 8/29/1995 NSR Permit)

3. **Throughput** – The new hull pelletizing operation shall process no more than 131,400 tons of hull per year, calculated as the sum of each consecutive 12-month period.
(9 VAC 5-80-110 and Condition 5 of 8/29/1995 NSR Permit)

4. **Emission Limits** - Emissions from the operation of the hull pelletizing process shall not exceed the limits specified below:

Particulate Matter	0.6 lbs/hr	2.6 tons/yr
PM-10	0.6 lbs/hr	2.6 tons/yr

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emissions limits. Compliance with these emission limits may be determined as stated in numbers III.A.1, 3, 5 and III.B.1.
(9 VAC 5-80-110 and Condition 6 of 8/29/1995 NSR Permit)

5. **Visible Emission Limit** – Visible emissions from the cyclone (stack S-28) and bin vent filter (stack S-27) shall not exceed 5 percent opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown and malfunction.
(9 VAC 5-80-110 and Condition 7 of 8/29/1995 NSR Permit)

B. Monitoring

1. **Visible Emissions Evaluation** – The permittee shall check for visible emissions from the bin vent filter and cyclone stacks (S-27 and S-28) on a weekly basis. If visible emissions are noted, the permittee shall either take corrective action to eliminate the visible emissions or conduct an EPA Method 9 (40 CFR 60, Appendix A) visible emissions evaluation for a period of 18 minutes. The permittee shall keep a record of the observations, corrective actions and any Method 9 evaluations conducted.

   (9 VAC 5-80-110)

C. Recordkeeping

1. **On Site Records** - The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Tidewater Regional Office. These records shall include, but are not limited to:

   a. The annual production of soybean hulls, calculated monthly as the sum of each consecutive 12-month's production.

   b. The results of the annual internal inspections of the cyclone.

   c. VEE observation records, including any corrective actions taken and any Method 9 evaluations conducted.

   These records shall be available for inspection by the DEQ and shall be current for the most recent five years.
   (9 VAC 5-80-110, 9 VAC 5-50-50 and Condition 9 of 8/29/1995 NSR Permit)

2. **Maintenance Records** - In order to minimize the duration and frequency of excess emissions due to malfunctions of process equipment or air pollution control equipment, the permittee shall:

   a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance. These records shall be maintained on site for a period of five years and shall be made available to DEQ personnel upon request.

   b. Maintain an inventory of spare parts that are needed to minimize durations of air pollution control equipment breakdowns.

   (9 VAC 5-80-110 and Condition 13 of 8/29/1995 NSR Permit)

3. **Training Records** - The permittee shall have available written operating procedures for the related air pollution control equipment. Operators shall be trained in the proper operation of all such equipment and shall be familiar with the written operating procedures. These procedures shall be based on the manufacturer's recommendations, at minimum. The permittee shall maintain records of training provided including names of trainees, date of training and nature of training.

   (9 VAC 5-80-110 and Condition 14 of 8/29/1995 NSR Permit)

IV. DeSmet Dryer/Cooler Requirements (Emission Unit # 156)

A. Limitations

1. **Emission Controls** – Particulate emissions from the dryer/cooler shall be controlled by cyclones. The cyclones shall be provided with adequate access for inspection and shall be in operation when the dryer/cooler is operating.

   (9 VAC 5-80-110 and Condition 3 of 7/9/2003 NSR Permit)

2. **Production** - The production of soybean meal from the dryer/cooler shall not exceed 574,218 tons per year, calculated monthly as the sum of each consecutive 12-month period.

   (9 VAC 5-80-110 and Condition 4 of 7/9/2003 NSR Permit)

3. **Emission Limits** - Emissions from the operation of the dryer/cooler at cyclone vents S-13 and S-14 shall not exceed the limits specified below:

Particulate Matter	10.6 tons/yr
PM-10	2.7 tons/yr
Volatile Organic Compounds (as Hexane)	48.6 tons/yr

   These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emissions limits. Compliance with these emission limits may be determined as stated in numbers IV.A.1, 2, and 4.
   (9 VAC 5-80-110 and Condition 5 of 7/9/2003 NSR Permit)

4. **Visible Emission Limit** – Visible emissions from the dryer/cooler process stacks S-13 and S-14 shall not exceed 5 percent opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown and malfunction.

   (9 VAC 5-80-110 and Condition 6 of 7/9/2003 NSR Permit)

B. Testing and Monitoring

1. **Visible Emissions Evaluation** – Quarterly and upon request by the DEQ, the permittee shall conduct additional visible emission evaluations from the dryer/cooler stacks to demonstrate compliance with the visible emission limits contained in this permit. The details of the tests shall be arranged with the Tidewater Regional Office.
   (9 VAC 5-80-110 and Condition 9 of 7/9/2003 NSR Permit)

2. **Testing/Monitoring Ports** – The permitted facility shall be constructed so as to allow for emissions testing and monitoring upon reasonable notice at any time, using appropriate methods. This includes constructing the facility such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and providing stack or duct that is free from cyclonic flow. Tests ports shall be provided when requested at the dryer/cooler stacks in accordance with the applicable performance specifications (reference 40 CFR Part 60, Appendix B). The cyclone shall be inspected for integrity on an annual basis.
   (9 VAC 5-80-110 and Condition 10 of 7/9/2003 NSR Permit)

C. Recordkeeping

1. **On Site Records** - The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Tidewater Regional Office. These records shall include, but are not limited to:

   a. The annual production of soybean meal from the dryer/cooler calculated monthly, as the sum of each consecutive 12-month's production.

   b. The results of the annual internal inspections of the cyclones; and

   c. VEE observation records, including any corrective actions taken and any Method 9 evaluations conducted.

   These records shall be available for inspection by the DEQ and shall be current for the most recent five years.
   (9 VAC 5-80-110, 9 VAC 5-50-50 and Condition 8 of 7/9/2003 NSR Permit)

V. Fuel Burning Requirements (Emission Unit # CFB-1)

A. Limitations

1. **Emission Controls** – Sulfur dioxide emissions from the coal-fired boiler will be controlled by burning low-sulfur coal.
   (9 VAC 5-80-110 and Condition 3 of 1/13/2004 NSR/PSD Permit)

2. **Emission Controls** – Particulate emissions from the boiler will be controlled by a fabric filter. The fabric filter shall be provided with adequate access for inspection.
(9 VAC 5-80-110 and Condition 4 of 1/13/2004 NSR/PSD Permit)

3. **Emission Controls** – Particulate emissions from the ash silo will be controlled by a fabric filter. The fabric filter shall be provided with adequate access for inspection.
(9 VAC 5-80-110 and Condition 5 of 1/13/2004 NSR/PSD Permit)

4. **Approved Fuel** – The approved fuel for the boiler is bituminous coal. A change in the fuel may require a permit to modify and operate.
(9 VAC 5-80-110 and Condition 6 of 1/13/2004 NSR/PSD Permit)

5. **Fuel Throughput** – The annual throughput of coal for the boiler shall not exceed 31,400 tons per year, calculated monthly as the sum of each consecutive 12-month period. The throughput is also limited by the sulfur dioxide emission limit of 441.5 tons per year. The amount of coal that can be burned in any 12-month period and still meet the emission limit for sulfur dioxide can be calculated using the following equation:

   [Maximum Coal = 23,236 / 12-month weighted average for sulfur; in percent]

   (9 VAC 5-80-110 and Condition 7 of 1/13/2004 NSR/PSD Permit)

6. **Emission Limits** – Emissions from the operation of the coal-fired boiler shall not exceed the limits specified below:

Particulate Matter	0.4 lbs/hour 0.5 lbs/mmBtu	1.6 tons/year
PM-10	0.3 lbs/hour	1.2 tons/year
Sulfur Dioxide	149.2 lbs/hour 1.52 lbs/mmBtu	441.5 tons/year
Nitrogen Oxides	43.2 lbs/hour	172.5 tons/year
Carbon Monoxide	19.6 lbs/hour	78.5 tons/year
Volatile Organic Compounds	2.0 lbs/hour	7.9 tons/year

   These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition numbers V.A.1, 2, 4, 5, 7 and V.B.1.
(9 VAC 5-80-110 and Condition 8 of 1/13/2004 NSR/PSD Permit)

7. **Limits on Coal** – The coal shall meet the specifications listed below:

   Minimum Heat Content (weighted 12-month average): 13,500 Btu/lb HHV
   Maximum Ash Content (weighted 12-month average): 8.0 % ash by weight
(9 VAC 5-80-110 and Condition 9 of 1/13/2004 NSR/PSD Permit)

8. **Visible Emission Limit** – Visible emissions from the fabric filter on the boiler shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30 percent opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown and malfunction.

   (9 VAC 5-80-110 and Condition 10 of 1/13/2004 NSR/PSD Permit)

9. **Visible Emission Limit** – Visible emissions from the fabric filter for the ash silo operation shall not exceed 5 percent opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown and malfunction.

   (9 VAC 5-80-110 and Condition 11 of 1/13/2004 NSR/PSD Permit)

B. Monitoring

1. **Visible Emissions Evaluation** – The permittee shall check for visible emissions from the boiler fabric filter and the ash silo fabric filter during normal operation with a frequency of not less than once per week. If visible emissions are noted, the permittee shall either take corrective action to eliminate the visible emissions or conduct an EPA Method 9 (40 CFR 60, Appendix A) visible emissions evaluation for a period of at least 18 minutes. The permittee shall keep a log of observations, corrective actions and any Method 9 evaluations conducted.

   (9 VAC 5-80-110 and Condition 12 of 1/13/2004 NSR/PSD Permit)

C. Recordkeeping

1. **On Site Records** - The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Director, Tidewater Regional Office. These records shall include, but are not limited to:

   a. The yearly throughput of coal for the boiler calculated monthly as the sum of each consecutive 12-month period.

   b. All coal shipments purchased, indicating the sulfur, ash and Btu content of the coal.

   c. 12-month weighted averages of sulfur and ash content, and the Higher Heating Value in Btu per pound for the coal shipment.

   d. Annual SO2 emissions, calculated monthly as the sum of each consecutive 12-month period.

e. Monitoring results to include observer name, date, time and observation results.

f. A description of corrective action taken in response to visual emissions monitoring, to include date action was completed.

These records shall be available for inspection by the DEQ and shall be current for the most recent five-year period.
(9 VAC 5-80-110 and Condition 13 of 1/13/2004 NSR/PSD Permit)

VI. National Emission Standards for Hazardous Air Pollutants, 40 CFR 63, Subpart GGGG

1. **Applicable Regulations** – The Perdue oilseed plant is subject to the regulations for Solvent Extraction for Vegetable Oil Production at 40 CFR Part 63, Subpart GGGG. The regulation was promulgated on April 12, 2001 and, as an existing category source, Perdue must show compliance with the requirements of the regulation by April 12, 2004.
   (9 VAC 5-80-110 and 40 CFR 63.2830 to 2872)

2. **Emission Requirements** – The permittee must calculate a compliance ratio, which compares your actual HAP loss to your allowable HAP loss (Equation 1) for the previous 12 operating months. An operating month is any calendar month in which a source processes any listed oilseed, excluding any entire calendar month in which the source operated under an initial startup period subject to 40 CFR 63.2850(c)(2) or (d)(2) or a malfunction period subject to 40 CFR 63.2850(e)(2). If records of total solvent loss are kept, Equation 2 may be used to calculate the compliance ratio:

   Compliance Ratio = [Actual Hap Loss/Allowable Hap Loss] (eq. 1)

   Compliance Ratio = $[f * \text{Actual Solvent Loss}/0.64 * S_{(i=1 \text{ to } n)}((\text{Oilseed})_i * (\text{SLF})_i)]$ (eq. 2)

   Where: f = The weighted average volume fraction of HAP in solvent during the previous 12 operating months, as determined in 40 CFR 63.2854, dimensionless. The factor '0.64' equals the average volume fraction of HAP in solvent in the baseline performance data, dimensionless. Actual Solvent Loss = Gallons of actual solvent loss during previous 12 operating months, as determined in 40 CFR 63.2853. Oilseed = Tons of each oilseed type (here soybeans) "i" processed during the previous 12 operating months, as shown in 40 CFR 63.2855. SLF = the corresponding solvent loss factor in [gallons per ton] for each type of oilseed "i".
   (9 VAC 5-80-110 and 40 CFR 63.2840)

3. **Compliance Requirements** – The permittee shall comply with the hazardous pollutant emissions standards by adhering to the following requirements:

   a. Submit the necessary notifications, as applicable, in accordance with 40 CFR 63.2860.

   b. Develop and implement a plan for demonstrating compliance in accordance with 40 CFR 63.2851.

   c. Develop a written startup shutdown and malfunction (SSM) plan in accordance with the provisions in 40 CFR 63.2852.

   d. Maintain all necessary records you have used to demonstrate compliance with the regulation in accordance with 40 CFR 63.2862.

   e. Submit the reports as required by the regulations at 40 CFR 63.2861(a), (c) & (d).

   f. Within 15 days of the beginning date of a malfunction as defined by 40 CFR 63.2, the permittee shall choose to comply with one of the options defined in the regulations at 40 CFR 63.2850 (e)(1) through (e)(2).

   (9 VAC 5-80-110 and 40 CFR 63.2850)

4. **Facility Plan for Demonstrating Compliance** – The permittee must develop and implement a written plan for demonstrating compliance that provides the detailed procedures that the facility will follow to monitor and record data necessary for demonstrating compliance with the regulations. The permittee shall keep the 'plan' on-site and readily available as long as the facility is operational. If any changes are made to the 'plan' for demonstrating compliance, then you must keep all previous versions of the plan and make them readily available for inspection for at least 5 years after each revision. The 'plan' for demonstrating compliance must include the following items:

   a. The name and address of the owner or operator.

   b. The physical address of the vegetable oil production process.

   c. A detailed description of all methods of measurement used to determine your solvent losses, HAP content of solvent, and the tons of each type of oilseed processed.

   d. When each measurement will be made.

   e. Examples of each calculation used to determine your compliance status. Include examples of how you will convert data measured with one parameter to other items for use in compliance determination.

f. Example logs of how data will be recorded.

g. A plan to ensure that the data continue to meet compliance demonstration needs.

(9 VAC 5-80-110 and 40 CFR 63.2851)

5. **Notifications** – The permittee shall submit the one-time notifications, as appropriate, to the Tidewater Regional Office as listed below:

   a. Any existing or new source that plans to undergo a significant modification as defined in 40 CFR 63.2872 must submit two reports as described in 40 CFR 63.2860 (c).

   b. As an existing source you must submit a notification of compliance status report to the DEQ not later than 60 days after determining your initial 12 operating months 'compliance ratio'. If you are an existing source, you generally must submit this notification no later than 50 calendar months after the effective date of these NESHAP (36 calendar months for compliance, 12 operating months to record data and 2 calendar months to complete the report). The notification of compliance status must contain the items in 40 CFR 63.2860 (d)(1) to (d)(6).

   (9 VAC 5-80-110 and 40 CFR 63.2860 (a), (c), and (d)).

6. **Reports and Schedules** – After the initial notifications, the following reports shall be submitted to the DEQ at the appropriate time intervals:

   a. The first annual compliance certification is due 12 calendar months after the initial notification of compliance status. Recurring compliance certifications shall be submitted annually.

   b. Submit a deviation report in accordance with 40 CFR 63.2861(b) for each compliance determination in which the compliance ratio exceeds 1.00 as determined under 40 CFR 63.2840(c). Submit the deviation report by the end of the month following the calendar month in which you determined the deviation.

   c. If you choose to operate your facility under an initial startup period subject to 40 CFR 63.2850(c)(2) or (d)(2), or a malfunction period subject to 40 CFR 63.2850 (e)(2), you must submit a periodic SSM report by the end of the calendar month following each month in which the initial startup period or malfunction period occurred.

d. If you handle a SSM during an initial startup period subject to 40 CFR 63.2850(c)(2) or (d)(2) or a malfunction period subject to 40 CFR 63.2850(e)(2) differently from procedures in the SSM plan and the relevant emission requirements in 40 CFR 63.2840 are exceeded, then you must submit an immediate SSM report. Immediate SSM reports consist of telephone call or facsimile transmission to the DEQ within 2 working days after starting actions inconsistent with the SSM plan, followed by a letter within 7 working days after the end of the event.

(9 VAC 5-80-110 and 40 CFR 63.2861)

7. **Recordkeeping** – The permittee shall satisfy the recordkeeping requirements by the compliance date for the facility as specified in Table 1 of 40 CFR 63.2834. These records include but are not limited to:

a. A plan for demonstrating compliance and a SSM plan.

b. A complete record of solvent inventory, including beginning and ending inventories, dates of operating period, solvent received, purchased and recovered during each calendar month, all solvent inventory adjustments, additions or subtractions, the total solvent loss for each calendar month and the actual solvent loss in gallons for each operating month.

c. The weighted average volume fraction of HAP in the extraction solvent.

d. A complete record of soybean inventory, including beginning and ending inventories, the current operating status of the facility, soybeans received, all soybean inventory adjustments, additions or subtractions for normal operating periods and the tons of soybeans processed during each operating month.

e. Facilities that have completed 12 operating months and are not operating under an initial startup period or a malfunction period shall keep the following records:

(1) The 12 operating months rolling sum of the actual solvent loss in gallons.

(2) The weighted average volume fraction of HAP in extraction solvent received for the previous 12 operating months.

(3) The 12 operating months rolling sum of soybeans processed at the facility.

(4) A determination of the compliance ratio.

(5) A statement of the facility's compliance status with all of the requirements in 40 CFR 63.2850.

f. For each SSM event subject to an initial startup period or a malfunction period, the permittee shall keep records of the following information:

(1) A description and date of the SSM event, its duration, and reason it qualifies as an initial startup or malfunction.

(2) An estimate of the solvent loss in gallons for the duration of the initial startup or malfunction period with supporting documentation.

(3) A checklist or other mechanism to indicate whether the SSM plan was followed during the initial startup or malfunction period.

g. Facility records must be in a form suitable and readily available for review in accordance with 40 CFR 63.10(b)(1). Each record must be kept for 5 years following the date of each occurrence, measurement, corrective action, report or record. These records must be kept on-site for at least two years and may be kept off-site for the remaining 3 years.

(9 VAC 5-80-110 and 40 CFR 63.2862 and 63.2863)

8. **NESHAP General Provisions** – The General Provisions of 40 CFR 63, Subpart A shall apply to the extraction process as stated in Table 1 of 40 CFR 63.2870 of the Solvent Extraction for Vegetable Oil, Maximum Available Control Technology (MACT) standard.

(9 VAC 5-80-110 and 40 CFR 63.2870)

VII. Facility Wide Conditions

A. Limitations

1. **Existing Source Standard for Particulate Matter** – No owner or other person shall cause or permit to be discharged into the atmosphere from any process unit any particulate emissions in excess of the limits as listed in Table 4-4A of the Regulations at 9 VAC 5-40-260. This standard is applicable to the following emissions units: W, V, Z, Y, X, 40, 104, 107A-E, 111, 130, 101, 102, 116, 119, 113A-F/520, 113H-M/521, 50, 163/532, 164/533, 44, 48, 75, 1001, 443, 444, 758A, ST-1/ST-2, AS-1 and ATL-1.

(9 VAC 5-40-260 and 9 VAC 5-80-110)

2. **Maximum Allowable Emission Rate for Particulate** – The total process weight rate for each individual process unit at a plant or premises shall be used for determining the maximum allowable emission rate or particulate that passed through a stack or stacks.

(9 VAC 5-40-22 C.1., 9 VAC 5-40-260B and 9 VAC 5-80-110)

3. **Determining Individual Emission Rates** – Unless otherwise specified, the allowable particulate mass emission rate shall be determined for individual units of equipment. (9 VAC 5-40-22 C.2., 9 VAC 5-40-260B and 9 VAC 5-80-110)

4. **Interpolation of Values** – Unless otherwise specified or unless an equation is provided the particulate emission limit above the maximum process weight rate shall be determined by linear interpolation. For interpolation between two values on a process weight rate table the following equation should be used:

$$E = [E_G - E_L]\left[\frac{P - P_L}{P_G - P_L}\right] + E_L$$

where:
E = emission rate being calculated
E_L = emission rate for P_L as determined from the process weight rate table
E_G = emission rate for P_G as determined from the process weight rate table
P = process weight rate of the unit
P_L = process weight rate in the process weight rate table which is closest to but less than the process weight rate of the unit
P_G = process weight rate listed in the process weight rate table which is closes to but greater than the process weight rate of the unit
(9 VAC 5-40-22 C.3., 9 VAC 5-40-260 B and 9 VAC 5-80-110)

5. **Interpretation of Regulations** – Where the nature of any process or design of any equipment is such as to permit more than one interpretation of a regulation, the interpretation that results in the minimum value for allowable emissions shall apply. (9 VAC 5-40-22 C.4., 9 VAC 5-40-260B and 9 VAC 5-80-110)

6. **Interpolation Equation** - Interpolation of the data in 9 VAC 5-40-260 A (Table 4-4A) for process weight rates up to 60,000 lb/hr shall be accomplished by use of the following equation:

$$E = 4.10P^{0.67}$$

where:
E = emission rate in lb/hr
P = process weight rate in tons/hr
(9 VAC 5-40-260 C and 9 VAC 5-80-110)

7. **Extrapolation Equation** – Interpolation and extrapolation of the data for process weight rates in excess of 60,000 lb/hr shall be accomplished by use of the following equation:

$$E = 55.0P^{0.11} - 40$$

where:
E = emission rate in lb/hr
P = process rate in tons/hr
(9 VAC 5-40-260 D and 9 VAC 5-80-110)

8. **Existing Source Standard for Visible Emissions** – Unless specified otherwise in this part, no owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any visible emissions which exhibit greater than twenty (20) percent opacity, except for one six-minute period in any hour of not more than sixty (60) percent opacity. Failure to meet the requirements of this section because of the presence of water vapor shall not be a violation of this section. This standard is applicable to the following emission units: W, V, Z, Y, X, 40, 104, 107A-E, 111, 130, 101, 102, 116, 119, 113A-F/520, 113H-M/521, 50, 163/532, 164/533, 44, 48, 75, 1001, 443, 444, 758A, ST-1/ST-2, AS-1 and ATL-1.

   (9 VAC 5-40-80, 9 VAC 5-40-940 and 9 VAC 5-80-110)

9. **New Source Standard for Visible Emissions** – No owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any visible emissions which exhibit greater than 20% opacity, except for one six-minute period in any one hour of not more than 30% opacity. Failure to meet the requirements of this section because of the presence of water vapor shall not be a violation of this condition. This standard is applicable to Emission Units 132, 136/43, 754, 175, and 156.

   (9 VAC 5-50-80 and 9 VAC 5-80-110)

10. **Violation of Ambient Air Quality Standard** – The permittee shall, upon request of the DEQ, reduce the level of operation or shut down a facility, as necessary to avoid violating any primary ambient air quality standard and shall not return to normal operation until such time as the ambient air quality standard will not be violated.

    (9 VAC 5-20-180 I, 9 VAC 5-80-110 and Condition 17 of 7/9/2003 NSR Permit)

B. Monitoring

1. **Compliance Assurance Monitoring** – The permittee shall conduct monitoring as specified in the Compliance Assurance Monitoring (CAM) Plan. The permittee shall monitor the visible emissions from control equipment exhausts or stacks on a daily basis. A one-minute observation will be performed and the results recorded in a logbook by the observer. This condition is applicable to Emission Units 104, 107A-E, 111, 136/43, 113A-F/520, 113H-M/521, 156, 163/532 and 164/533.

   (9 VAC 5-80-110 and 40 CFR 64.6(c))

2. **Quality Improvement Plan** – The permittee shall develop a Quality Improvement Plan, according to 40 CFR 64.8 if more than five excursions from the indicator range specified in the Compliance Assurance Monitoring (CAM) Plan occur within any consecutive six-month period. An excursion shall be defined as the presence of detectable visible emissions. Semi-annual periods are as indicated by reporting requirements in condition X.C.3.

   (9 VAC 5-80-110 and 40 CFR 64.8)

3. **Visual Emissions Monitoring -** For each emissions unit with a visible emissions limit contained in this permit, the permittee shall perform a weekly visual emissions observation during normal operations. If such visual observation indicates any visible emissions, the permittee shall take corrective action to eliminate the visible emissions. If such corrective action fails to eliminate the visible emissions, the permittee shall conduct a visible emissions evaluation (VEE) using 40 CFR 60, Appendix A, Method 9, for six minutes. If the six-minute VEE opacity average exceeds 50% of the standard for a specific unit, the VEE for that unit shall continue for an additional 12 minutes. If any of the six-minute averages during the 18 minutes exceeds the standard for a specific unit, the VEE for that unit shall continue for one hour from the initiation on the stack to determine compliance with the opacity limit. The permittee shall record the details of the visual emissions observations, VEEs, and any corrective actions. These records shall be kept at the facility and made available for inspection by the DEQ for the most recent five-year period.

   (9 VAC 5-80-110)

C. Recordkeeping

1. **Recordkeeping for CAM** – The permittee shall keep records documenting the monitoring required by the CAM Plan.

   a. The date and time of observations, the name of the observer, and whether or not there were visible emissions.

   b. Number of excursions in each semi-annual reporting period.

   c. Corrective actions taken in response to excursions; and

   d. If applicable, any written QIP required by Condition VII.B.2 and 40 CFR 64.8 and any activities undertaken to implement a QIP.

   These records shall be available for inspection by the DEQ and shall be current for the most recent five-year period.
   (9 VAC 5-80-110 and 40 CFR 64.9(b)(1) & (2))

2. **Visible Emissions Records** – The permittee shall keep records of all visible emissions observations, including the results of such observations, any corrective action taken and any Method 9 VEE's performed.

   (9 VAC 5-80-110)

D. Testing

1. **Testing/Monitoring Ports** – The permitted facility shall be constructed so as to allow for emissions testing and monitoring upon reasonable notice at any time, using appropriate methods. This includes constructing the facility such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and providing stack or duct that is free from cyclonic flow. Test ports shall be provided when requested at the boiler fabric filter stack in accordance with the applicable performance specification (reference 40 CFR Part 60, Appendix B).

   (9 VAC 5-80-110)

E. Reporting

1. **Reporting for CAM** – The permittee shall submit written reports containing the following information pertaining to the CAM Plan for the emission units cited in Condition VII.6, to the Director, Tidewater Regional Office no later than March 1 and September 1 of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 B, and shall include:

   a. Summary information on the number, duration and cause (including unknown cause, if applicable) of excursions and the corrective action taken;

   b. A description of the actions taken to implement a QIP during the reporting period as specified at 40 CFR 64.8. Upon implementation of a QIP, the permittee shall include in the next summary report documentation that the plan has been completed and the reduced likelihood of similar levels of excursions.

   The information listed above may be included in the reports required by Condition X.C.3.
   (9 VAC 5-80-110 and 40 CFR 64.9(a)(2))

F. Facility and Control Equipment Maintenance or Malfunction

1. **Notification for Control Equipment Maintenance** – The permittee shall furnish notification to the Tidewater Regional Office of the intention to shut down or bypass, or both air pollution control equipment for necessary scheduled maintenance, which results in excess emissions for more than one hour, at least 24 hours prior to shutdown. The notification shall include, but is not limited to, the following information:

   a. Identification of the air pollution control equipment to be taken out of service, as well as its location, and registration number;

   b. The expected length of time that the air pollution control equipment will be out of service;

c. The nature and quantity of emissions of air pollutants likely to occur during the shutdown period;

d. Measures that will be taken to minimize the length of the shutdown or to negate the effect of the outage.

(9 VAC 5-20-180 B, 9 VAC 5-80-110 and Condition 14 of 7/9/2003 NSR Permit)

2. **Facility or Control Equipment Malfunction – Hazardous Air Pollutant Processes** The processes listed below shall, upon request of the DEQ, shut down immediately if their emissions increase in any amount because of a bypass, malfunction, shutdown or failure of the process or its associated air pollution control equipment. The processes shall not return to operation until they and the associated air pollution control equipment are able to operate in the proper manner.

   a. Vegetable oil extraction process

   b. Drying and cooling operation

   (9 VAC 5-20-180 F 3, 9 VAC 5-80-110 and Condition 16 of 7/9/2003 NSR Permit)

3. **Maintenance/Operating Procedures** – The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to air pollution control equipment, monitoring devices, and process equipment which affects such emissions:

   a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance.

   b. Maintain an inventory of spare parts that are needed to minimize durations of air pollution control equipment breakdowns.

   c. Have available written operating procedures for equipment. These procedures shall be based on the manufacturer's recommendations, at a minimum.

   d. Train operators in the proper operation of all such equipment and familiarize the operators with the written operating procedures. The permittee shall maintain records of the training provided including the names of trainees, the date of training and the nature of the training.

   Records of maintenance and training shall be maintained on site for a period of five years and shall be made available to DEQ personnel upon request.
   (9 VAC 5-50-20 E, 9 VAC 5-80-110 and Condition 18 of 7/9/2003 NSR Permit)

VIII. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
418	D. T. Discharge screw	5-80-720 B	PM, PM10	less than 5 tons/yr
418a	D. T. Discharge drag	5-80-720 B	PM, PM10	less than 5 tons/yr
419	Dryer cooler feed drag	5-80-720 B	PM, PM10	less than 5 tons/yr
709	Expander exhaust fan (air break)	5-80-720 B	PM, PM10	less than 5 tons/yr
1, 3, 4, 10-18	Soybean oil storage tanks	5-80-720 B.5.	VOC (hexane)	less than 5 tons/yr
	Soybean oil loadout	5-80-720 B.5.	VOC (hexane)	less than 5 tons/yr
999	Extraction feed drag air break	5-80-720 B	PM, PM10	less than 5 tons/yr
998	Coal silo vent	5-80-720 B	PM, PM10	less than 5 tons/yr
997	Welding Shop	5-80-720 B	PM, PM10	less than 5 tons/yr
42	Weed seed tank	5-80-720 B	PM, PM10	less than 5 tons/yr
17	Elevator hull tank	5-80-720 B	PM, PM10	less than 5 tons/yr
18	Elevator hull tank	5-80-720 B	PM, PM10	less than 5 tons/yr
19	Elevator hull tank	5-80-720 B	PM, PM10	less than 5 tons/yr
20	Elevator hull tank	5-80-720 B	PM, PM10	less than 5 tons/yr
759	Pellet blower	5-80-720 B	PM, PM10	less than 5 tons/yr

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

IX. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
40 CFR 60, Subpart Kb	Standards of Performance for Volatile Organic Storage Vessels	Subpart Kb has been amended to exempt those storage vessels previously subject to recordkeeping requirements only.

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.
(9 VAC 5-80-140)

X. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9 VAC 5-80-110 N)

B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless a timely and complete renewal application consistent, with 9 VAC 5-80-80, has been submitted, to the Department, by the owner, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.

2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.

3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.

4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.

5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:

   a. The date, place as defined in the permit, and time of sampling or measurements.

   b. The date(s) analyses were performed.

   c. The company or entity that performed the analyses.

   d. The analytical techniques or methods used.

   e. The results of such analyses.

   f. The operating conditions existing at the time of sampling or measurement.

   (9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
   (9 VAC 5-80-110 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

   a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.

   b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:

      (1) Exceedance of emissions limitations or operational restrictions;

(2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,

(3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.

c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."

(9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.

2. The identification of each term or condition of the permit that is the basis of the certification.

3. The compliance status.

4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incidence of non-compliance.

5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.

6. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Director, Tidewater Regional Office within four daytime business hours, after a deviation is discovered from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition X.C.3. of this permit.
(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after a deviation is discovered from permit requirements, notify the Director, Tidewater Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Tidewater Regional Office.
(9 VAC 5-20-180 C and Condition 12 of 8/29/1995 NSR Permit)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.
(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-110 G.3)

J. Permit Modification

A physical change in or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1790, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.
(9 VAC 5-80-190 and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
   (9 VAC 5-80-110 G.6)

2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
   (9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;

2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;

3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;

4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,

5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
(9 VAC 5-50-20E and 9 VAC 5-40-20 E)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.
(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.

2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.

3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.

4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.
(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)

2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.

2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:

   a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.

   b. The permitted facility was at the time being properly operated.

   c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.

   d. The permittee notified the board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F 2 b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.

3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.

4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.

(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.
(9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A-F)

Y. Asbestos Requirements

The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emissions Standards for Asbestos, as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61,148), and Standards for Waste Disposal (40 CFR 61.150).
(9 VAC 5-60-70 and 9 VAC 5-80-110 A.1)

Z. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68,115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)

AA. Changes to Permits for Emissions Trading

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-110 I)

BB. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.

2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.

3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)

XI. State-Only Enforceable Requirements

The following terms and conditions are not required under the federal Clean Air Act or under any of its applicable federal requirements, and are not subject to the requirements of 9 VAC 5-80-290 concerning review of proposed permits by EPA and draft permits by affected states.

1. 9 VAC 5-50-140 Standard for Odorous Emissions

2. 9 VAC 5-60-320 Standard Toxic Pollutants

(9 VAC 5-80-110 N and 9 VAC 5-80-300)